



Attachment B

SAN LUIS OBISPO COUNTY  
**DEPARTMENT OF PUBLIC WORKS**

Paavo Ogren, Director

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County Government Center, Room 207 • San Luis Obispo, CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)

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January 20, 2012

**VIA FAX (805) 543-1722 AND  
CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mr. Rudolph C. Bachmann  
Specialty Construction, Inc.  
645 Clarion Street  
San Luis Obispo, CA 93401

SUBJECT: Notice of Finding of Non-Responsiveness of Bid for Bridge Widening on  
Price Canyon Road Contract Nos. 300136, 300360 & 300361 Federal  
Contract Nos. HP21L-5949(126), BHL-5949(062) & BHL-5949(063)

Dear Mr. Bachmann:

As you know, the County opened bids on the above project on December 15, 2011. After carefully evaluating the bid submitted by Specialty Construction, Inc. (SCI), the County's Public Works Department has determined that the bid is non-responsive due to SCI's failure to meet the UDBE requirements set forth in the bidding documents.

As indicated in Section 2-1.04 of the Contract Special Provisions, this project is subject to Title 49 Code of Federal Regulations Part 26 (49 CFR 26), and the Regulations in their entirety are incorporated by reference into the bidding documents. The federal regulations, as administered by Caltrans Local Assistance, include requirements to encourage participation by Underutilized Disadvantaged Business Enterprises (UDBE). As indicated in the Notice to Bidders, the County of San Luis Obispo set the UDBE contract goal at 3%. To be a UDBE, a firm must meet the definition of a disadvantaged business enterprise and the majority of the ownership of the firm must be held by a member or members of the following groups: Black Americans, Native Americans, Asian-Pacific Americans or women. In compliance with the federal regulations, and as described in Section 2-1.04 of the Contract Special Provision, **bidders were required to meet the stipulated UDBE contract goal or to demonstrate that, prior to bidding, good faith efforts were made to meet the goal.** Failure to meet the goal or submit adequate evidence of a good faith effort would result in the bid being considered nonresponsive.

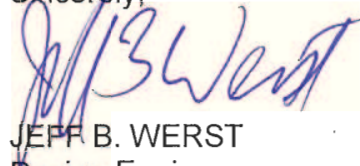
The purpose of this letter is to inform you of the Public Works Department's determination that your bid is non-responsive due to the failure to meet the UDBE contract goal of 3% or to demonstrate an adequate good faith effort to meet the UDBE participation goal for this project. The reasons for this determination are cited in the "Evaluation of Good Faith Effort" memorandum attached to this letter. The County's evaluation of the good faith effort is based on the "Guidance Concerning Good Faith Efforts" contained in 49 CFR Part 26, Appendix A.

The Public Works Department intends to recommend that the County Board of Supervisors find SCI's bid non-responsive for failure to (1) meet the UDBE contract goal of 3% and (2) demonstrate a good faith effort to meet the UDBE participation goal for this project. Our Department will therefore recommend to the Board that SCI's bid be rejected as non-responsive, and that the contract be awarded to the next lowest bidder, Souza Construction, Inc. The matter will be considered by the Board of Supervisors at their regular public meeting on Tuesday, February 28, 2012. You will have the opportunity to present written argument and other written documentation to the Board if you do not want the Board to adopt our Department's recommendation. You may also appear at that Board meeting.

If you would like our Department to reconsider its determination before it makes a formal recommendation to our Board, you must submit a written request for reconsideration to our Department, and such request must be received by our Department within three (3) business days of your receipt of this letter. Unless your request expressly seeks the opportunity to appear in person, your request for reconsideration will be limited to the documents you provide us in support of your position. After you timely submit a request for reconsideration, you must submit to our Department any written evidence, argument or other documentation you wish to present in support of your reconsideration request within five (5) business days of your receipt of this letter (even if your request also seeks an opportunity to meet in person). Reconsideration requests must be submitted in writing to the Department of Public Works, Room 207, County Government Center, 976 Osos Street, San Luis Obispo, CA 93408; Attention: Design Engineer before 5:00 p.m. of the 3rd business day after the date you received this notice. Requests may also be submitted by facsimile machine to the County's fax number at (805) 781-1229. Any reconsideration request and documentation submitted in support thereof must also be concurrently submitted by you to Souza Construction, Inc. at the following address: Souza Construction, Inc., P.O. Box 3810, San Luis Obispo, CA 93403-3810.

This letter constitutes an official notice ("notice") to you of our Department's determination of your failure to achieve the required UDBE participation goal or make sufficient good faith efforts to meet the goal, and of your right to administrative reconsideration of our Department's determination. Should you wish administrative reconsideration, you must respond to the undersigned in writing at the address below by the close of business three (3) business days after your receipt of this notice.

Sincerely,



JEFF B. WERST

Design Engineer

County of San Luis Obispo, Public Works Department

County Government Center, Room 207

San Luis Obispo, CA 93408

c: Patrick Foran, Deputy County Counsel  
Dave Flynn, Deputy Public Works Director  
Paavo Ogren, Public Works Director  
Steve Souza, Souza Construction, Inc.

File: 300136, 300360 & 300361

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